

EXHIBIT 24

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND DIVISION

3 REDSTONE LOGICS LLC *
4 VS. * June 9, 2025
5 QUALCOMM INC., ET AL. * * CIVIL ACTION NO. 7:24-CV-231

BEFORE THE HONORABLE ALAN D ALBRIGHT
MARKMAN HEARING (via Zoom)

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23 Proceedings recorded by mechanical stenography,
24 transcript produced by computer-aided transcription.

08:33 1 (Hearing begins.)

09:31 2 DEPUTY CLERK: A civil action in Case

09:31 3 MO:24-CV-231, Redstone Logics LLC versus Qualcomm

09:31 4 Incorporated, et al. Case called for a Markman

09:31 5 hearing.

09:31 6 THE COURT: Announcements from counsel,

09:31 7 please.

09:31 8 MR. TONG: Good morning, Your Honor.

09:31 9 This is Peter Tong from Russ August & Kabat. It's very

09:31 10 good to see you. And with me is Joshua Scheufler.

09:31 11 THE COURT: Welcome. I'm sorry if I got

09:31 12 y'all up early. So -- but. And I see Mr. Zembek.

09:31 13 MR. ZEMBEK: Yes, Your Honor. Richard

09:31 14 Zembek here. And I am with Mr. Daniel Leventhal, Eric

09:31 15 Green, and Brett McKean. And I have three client

09:31 16 representatives with me: Mr. Stephen Wurth, Ms. Yon

09:31 17 Sohn, Mr. Ken Vu.

09:31 18 We also have a slew of summer clerks that

09:31 19 are watching off camera because they wanted to have the

09:32 20 opportunity to see what this Markman hearing thing

09:32 21 really is all about.

09:32 22 THE COURT: Well, I hope I pass the

09:32 23 audition. I'm sorry -- I'm sorry we only have one

09:32 24 claim term here.

09:32 25 MR. ZEMBEK: Mr. Leventhal joined so that

09:32 1 he could grade me to the summers, probably rather
09:32 2 harshly afterwards.

09:32 3 THE COURT: Yeah. So -- fortunately
09:32 4 summers are probably graded on an easier curve, so.

09:32 5 First claim -- the only claim term I have
09:32 6 is "the first clock signal is independent from the
09:32 7 second clock signal."

09:32 8 And I will hear from defendant on this,
09:32 9 please.

09:32 10 MR. ZEMBEK: Mr. Green, will you please
09:32 11 go to Slide 3?

09:32 12 Your Honor, I'd like to talk to you about
09:32 13 three distinct disputes this morning. The first should
09:32 14 be noncontroversial. Does "the first clock signal is
09:32 15 independent of the second clock signal" require two
09:33 16 different signals, as Redstone previously argued and
09:33 17 again concedes is consistent with the intrinsic record?
09:33 18 We believe that that should be a straightforward
09:33 19 agreement that the parties have reached in principle
09:33 20 that should be reflected in the Court's claim
09:33 21 construction.

09:33 22 The second and the third issue are where
09:33 23 we respectfully disagree with the Court's preliminary
09:33 24 construction. The first point is can Redstone
09:33 25 recapture claim scope that encompasses two different

09:33 1 input signals that depend on a single clock source? We
09:33 2 believe that the intrinsic record shows that this type
09:33 3 of structure was expressly disclaimed.

09:33 4 And even if not disclaimed, is a claim
09:33 5 scope that encompasses two different input signals each
09:33 6 of which depends on the same clock source, consistent
09:33 7 with the plain and ordinary meaning of a first clock
09:33 8 signal independent of the second clock signal?

09:33 9 When you read that third question, Your
09:33 10 Honor, we think it answers itself. It doesn't make
09:33 11 sense for there to be a dependency when the first and
09:34 12 second clock signal must be independent of each other.

09:34 13 If we can go to the next slide, please.

09:34 14 Your Honor, this is Slide 4. And I've
09:34 15 included under Redstone's proposed construction the
09:34 16 construction that was used in the NXP litigation. In
09:34 17 the NXP litigation, what Redstone stated was "the use
09:34 18 of independent is best understood as simply meaning
09:34 19 different."

09:34 20 We agree that independent does require
09:34 21 two different signals, but we believe it requires more
09:34 22 than just two different signals.

09:34 23 And in the NXP proceeding, there really
09:34 24 was no dispute as to whether or not this independence
09:34 25 requires two signals. What was argued in that case by

09:34 1 Redstone was the applicant made it clear that the use
09:34 2 of "independent" is best understood as simply meaning
09:34 3 different.

09:34 4 We don't think that simply different is
09:34 5 far enough. We think it requires more than that. We
09:35 6 believe it cannot have the same clock reference such
09:35 7 that there is a dependency between the two signals.

09:35 8 In connection with the briefing in this
09:35 9 proceeding, Redstone has not disagreed that the
09:35 10 intrinsic record supports the inclusion of two
09:35 11 different -- two difference clock signals as opposed to
09:35 12 a singular one as we see in the Footnote 3 of their
09:35 13 brief.

09:35 14 With respect to the Court's preliminary
09:35 15 construction, so what we would ask that the Court do
09:35 16 is, one, require that there be two different signals as
09:35 17 supported by the intrinsic record; and, two, remove
09:35 18 this negative limitation that the meaning does not
09:35 19 require the first and second clock signals depend from
09:35 20 different reference oscillator clocks.

09:35 21 We believe that a dependency from
09:35 22 different reference oscillator -- excuse me -- a
09:35 23 dependency from the same reference oscillator clock,
09:35 24 one, was disclaimed and, two, is just not consistent
09:36 25 with the plain and ordinary meaning.

09:36 1 If we can go to the next slide, please,
09:36 2 Mr. Green.

09:36 3 The language that we're talking about
09:36 4 here, Your Honor, was added during prosecution through
09:36 5 a methods. What we have is a first clock signal of a
09:36 6 first phase lock loop having a first clock signal as
09:36 7 input. So we're looking at the first clock signal that
09:36 8 is input to the PLL and that PLL will then generate the
09:36 9 clock signal that would be driving the core.

09:36 10 And then we have a similar second clock
09:36 11 signal. And what was said? That the first clock
09:36 12 signal is independent from the second clock signal. So
09:36 13 that is where these terms appear in the context of the
09:36 14 claims.

09:36 15 If we can go to the next slide, please.

09:36 16 What we have on the Slide 6 is a simple
09:36 17 figure that Dr. Villasenor prepared to help illustrate
09:36 18 the concept of independent and dependent clock signals.

09:36 19 What Dr. Villasenor explained over ten
09:37 20 pages is what one of ordinary skill would understand to
09:37 21 be the single reference oscillator versus the multiple
09:37 22 reference oscillator. He explained, using contemporary
09:37 23 documents from the time of the application was filed,
09:37 24 that if you have a single reference oscillator that's
09:37 25 going to be used to generate the clocks for two

09:37 1 different components, those signals will be dependent.
09:37 2 So with -- in the context of the claim,
09:37 3 where you see component 1 and component 2 on this
09:37 4 slide, those would be the PLLs. And those PLLs would
09:37 5 then generate the clock signals that would go into the
09:37 6 cores.

09:37 7 And here, in this simplified example that
09:37 8 Dr. Villasenor prepared, is if there is a change to
09:37 9 this reference oscillator, to this clock source that is
09:37 10 going to the two different PLLs, there's necessarily
09:37 11 going to be a change. There's a -- these two signals
09:37 12 are not independent. They both are dependent upon the
09:38 13 exact same reference. They move up and down as that
09:38 14 frequency oscillator moves up and down.

09:38 15 Can F_1 and F_1 -- excuse me -- can F_1 over
09:38 16 2 and F_1 over 4 change? Sure. That could change over
09:38 17 time. But what's going to happen for the output of
09:38 18 both dividers is it will change as the input changes.
09:38 19 They do not change independently of one another.

09:38 20 What Dr. Villasenor explained one of
09:38 21 ordinary skill in the art would understand is that the
09:38 22 concept of independent clocks would mean that you have
09:38 23 two different reference oscillators, where "reference
09:38 24 oscillators" would be the term that one of ordinary
09:38 25 skill in the art would understood to be the clock

09:38 1 source that would be driving these signals.

09:38 2 If we can go to the next slide, please.

09:38 3 This is the disclosure in the '339

09:38 4 patent. What we have, as the claim requires, are

09:38 5 multiple different clock signals, clock signal 1, clock

09:39 6 signal 2, each going into a PLL. What we don't see

09:39 7 here is the sharing of a reference clock. Instead,

09:39 8 each of them are their own clocks. And this is what

09:39 9 was relied upon during the prosecution history.

09:39 10 And I think it would be helpful to put

09:39 11 the prosecution history in a little bit more context,

12 Your Honor.

09:39 13 If we could go to Slide 15, please,

09:39 14 Mr. Green.

09:39 15 So what happened during the prosecution

09:39 16 history? During the prosecution history, the examiner

09:39 17 rejected the then pending claims in view of Jacobowitz.

09:39 18 The examiner also rejected additional dependent claims

09:39 19 in view of Jacobowitz and Kim.

09:39 20 Like many good patent prosecutors, what

09:39 21 the patent prosecutor did in this case was have a

09:39 22 interview with the examiner. In the interview with the

09:39 23 examiner, what was discussed? What was discussed was,

09:40 24 one, the then pending claims; and, two, potentially new

09:40 25 claims; and, three, three different pieces of prior

09:40 1 art. Jacobowitz, Kim, and von Kaenel.

09:40 2 And what was explained? There were two
09:40 3 different arguments that were advanced in connection
09:40 4 with this office interview, and they're going to be
09:40 5 reflected in greater detail when we look at the
09:40 6 intrinsic record in the form of what was actually
09:40 7 submitted.

09:40 8 But critically, one of the points that
09:40 9 was relied upon -- and we don't know if it was relied
09:40 10 upon in view of a combination or singularly just from
09:40 11 this statement in and of itself, but we do when we look
09:40 12 at the actual written submission -- what was argued?

09:40 13 Applicant's representative referred to
09:40 14 Figure 3 of the specification and stated that clock
09:40 15 signals 1 through 3 were different independent clock
09:40 16 signals input to the PLLs, while Jacobowitz disclosed
09:41 17 using a single reference clock.

09:41 18 So here, we see this concept of a single
09:41 19 reference clock being different from multiple or
09:41 20 independent reference clocks.

09:41 21 If we can go back to Slide 8, please.

09:41 22 What we have on Slide 8 is some of the
09:41 23 multiple different arguments that were advanced during
09:41 24 the prosecution history.

09:41 25 What Redstone wants to focus on is the

09:41 1 first argument, but each of these arguments can give
09:41 2 rise to independent disclaimer grounds. The second is
09:41 3 the one that we believe is relevant to the concept of
09:41 4 independence.

09:41 5 What was explained? Well, first, what
09:41 6 was explained is let's look at the first clock signal.
09:41 7 And what does the first clock signal have to be?
09:41 8 Independent from the second clock signal. So the
09:41 9 applicant made clear, I'm talking about this claim
09:41 10 language that I've added.

09:41 11 And what is the argument advanced
09:42 12 regarding Kim? Kim discloses an apparatus comprising a
09:42 13 multicore processor having a single clock source, not
09:42 14 multiple clock sources. The clock source from this
09:42 15 single clock source is then processed, divided,
09:42 16 multiplied, and provided to each of the cores.

09:42 17 So what was contrasted here is the
09:42 18 concept of independence or two different clock signals
09:42 19 when you have a single versus multiple reference
09:42 20 clocks.

09:42 21 And we know that this argument was not
09:42 22 just to Jacobowitz because there were multiple
09:42 23 arguments added in this statement that are going to be
09:42 24 consistent with what we saw from the discussions with
09:42 25 the examiner because after advancing each of these

09:42 1 different arguments what was stated, for at least the
09:42 2 reasons set forth above, Kim fails to cure deficiencies
09:42 3 of Jacobowitz.

09:42 4 So the applicant knew that Kim had a
09:42 5 different clock structure than was being presented in
09:42 6 Jacobowitz, advanced arguments regarding that different
09:42 7 clock structure, and the examiner ultimately accepted
09:43 8 them.

09:43 9 If we can go to the next slide.

09:43 10 Okay. What is this Kim reference that we
09:43 11 keep talking about? Kim has two different types of
09:43 12 clock sources. On the left-hand side, we have a
09:43 13 simpler one. It is a clock source 170 that goes into
09:43 14 PLL 180. And what PLL 180 has is multiple dividers and
09:43 15 multipliers like we saw in my simplified example.

09:43 16 What it then can do is generate different
09:43 17 clock signals 162, 164, 166, and 168, each of which
09:43 18 could then go to a core.

09:43 19 What do we see on the right side? Well,
09:43 20 recall the claim language requires that these different
09:43 21 clock signals, the first and second different clock
09:43 22 signals, have to go into a PLL. And that's exactly
09:43 23 what we have here. We have PLLs 216, 226, 236, and
09:43 24 246.

09:43 25 So what we have are different clock

09:44 1 signals, and what we see from the text is that like we
09:44 2 had for Figure 1, the PLL 260, which generates the
09:44 3 different clock signals, has one or more frequency
09:44 4 dividers so that we have different signals that are
09:44 5 going to be coming out.

09:44 6 If we can go to the next slide.

09:44 7 Okay. This is the argument that we had a
09:44 8 little bit earlier, Your Honor. What Redstone wants to
09:44 9 focus on is the first part of this argument.

09:44 10 The first part of the argument is that
09:44 11 Kim fails to disclose or teach a first set of processor
09:44 12 cores and second set of processor cores configured to
09:44 13 dynamically receive a first and a second output signal.

09:44 14 And what we see here, Your Honor, the
09:44 15 argument that they were making with respect to the
09:44 16 first argument is that there were not groups that were
09:44 17 receiving these different clock signals because there
09:44 18 was in the -- sorry, Your Honor.

09:44 19 What I've done for this figure is I've
09:45 20 modified the cores to show that each of the cores
09:45 21 receiving from their respective PLL is a set so that
09:45 22 there are two different cores. So that is the first
09:45 23 argument.

09:45 24 If we can go to the next slide.

09:45 25 But that is not the only argument that

09:45 1 was made. And you cannot disregard the arguments that
09:45 2 were made. There was a clear statement: In addition,
09:45 3 the first clock signal is independent from the second
09:45 4 clock signal. The very claim language that we're
09:45 5 talking about here, Your Honor.

09:45 6 And what did the -- what was argued?
09:45 7 That Kim was different because Kim had a single clock
09:45 8 source. We saw that there were multiple different
09:45 9 clock signals that were going into the PLLs, but they
09:45 10 all shared that single clock source.

09:45 11 What does that mean, sharing the single
09:45 12 clock source? If we change the output of 270 to make
09:45 13 it go faster or slower, what results from that is a
09:45 14 change to each of the red, yellow, green, and blue
09:46 15 lines that I have below. So those signals are not
09:46 16 independent. They share the dependency of this clock
09:46 17 source that is going to be used to feed the cores.

09:46 18 Your Honor, we believe that there is a
09:46 19 clear disclaimer here. It's tied directly to the claim
09:46 20 language. It's consistent with what we see in the
09:46 21 specification.

09:46 22 A new argument -- sorry, Your Honor. Do
09:46 23 you have a question?

09:46 24 THE COURT: I think you may be about to
09:46 25 say what I was about to ask, which was, would it

09:46 1 make -- my understanding is that the plaintiffs
09:46 2 disagree with your argument on cores and disclaimer.
09:46 3 Would it make sense for them to respond immediately
09:46 4 right now to what you're saying or for me to wait?

09:46 5 And you may have just been about to say
09:46 6 that -- about their argument. So however you want to
09:46 7 do it which is best for you, I'm fine with.

09:46 8 MR. ZEMBEK: I'm fine with having them
09:46 9 respond to this concept of disclaimer. Because what
09:46 10 we -- just really quickly, Your Honor, on the next
09:47 11 slide.

09:47 12 THE COURT: Sure.

09:47 13 MR. ZEMBEK: Your Honor, we know you know
09:47 14 the case law from the Federal Circuit. But when, as in
09:47 15 here, there are multiple different reasons why the
09:47 16 prior art is distinguishable, precedent instructs that
09:47 17 estoppel attaches to each of the arguments.

09:47 18 There's a case that is cited -- I believe
09:47 19 it's the Omni case -- in their brief, in which they
09:47 20 characterize the Omni case as rejecting some form of
09:47 21 disclaimer.

09:47 22 We respectfully believe they misread the
09:47 23 Omni case. What the Omni case stands for is where
09:47 24 there's a disclaimer, you have to construe it
09:47 25 correctly.

09:47 1 My reading of the Omni case is the
09:47 2 court -- Federal Circuit found yes. There was a
09:47 3 disclaimer. But the district court in that particular
09:47 4 case went too far in what the disclaimer actually
09:47 5 required.

09:47 6 If we can go back a slide, Mr. Green.

09:47 7 Here, what we have to do is very simple.
09:47 8 The different clock signals have to have something
09:48 9 other than the single clock source.

09:48 10 I'll let them respond and then address
09:48 11 the rest of their points.

09:48 12 THE COURT: Okay.

09:48 13 MR. ZEMBEK: I'm sorry. It was the Omega
09:48 14 case. I apologize for talking over you, Josh.

09:48 15 THE COURT: Okay.

09:48 16 MR. SCHEUFLER: Thank you, Your Honor.
09:48 17 Josh Scheufler on behalf of Redstone.

09:48 18 Trying to set up my screen share.

09:48 19 And to just get right to your point on
09:48 20 Kim, I'm going to jump to Slide 10.

09:48 21 So jumping straight into Slide 10, here
09:48 22 is what we've been discussing, the actual language that
09:48 23 the applicant used when it was discussing Kim.

09:48 24 It says, in addition to Kim's other
09:49 25 failings, Kim also doesn't disclose the first set of

09:49 1 processor cores and the second set of processor cores
09:49 2 configured to dynamically receive a first output clock
09:49 3 signal of a first PLL having a first clock signal as
09:49 4 input -- that is the clock signal that we're talking
09:49 5 about being independent -- and a second clock signal of
09:49 6 a second PLL having a second clock signal respectively.

09:49 7 So first, it does not have sets of cores
09:49 8 and it does not have the first and second clock signal.

09:49 9 Without having the first and second clock
09:49 10 signal, you can't have a first clock signal that is
09:49 11 independent of a second clock signal. It does not
09:49 12 exist to be independent of anything.

09:49 13 And so it goes on to explain that: In
09:49 14 addition, the first clock -- the first clock signal is
09:49 15 independent of the second clock signal. Also doesn't
09:49 16 have that limitation.

09:49 17 Instead, this is what Kim does. Kim
09:49 18 discloses its whole apparatus, the apparatus comprising
09:50 19 multicore processor. Which has a single clock source.
09:50 20 And the clock signal from that single clock source is
09:50 21 then processed and provided to each of the cores.
09:50 22 There are no sets.

09:50 23 So what Qualcomm is asking the Court to
09:50 24 do is to ignore everything I've highlighted and focus
09:50 25 exclusively on the underlined. If you do that, that's

09:50 1 obviously not anything that's clear and unambiguous.
09:50 2 It is creating a new argument from what the applicant
09:50 3 actually said.

09:50 4 And I think we can -- we can show how
09:50 5 this -- how there are many, many different
09:50 6 interpretations by looking at the actual figure.

09:50 7 So moving to Slide 11.

09:50 8 Here is Figure 2 of the -- of Kim.

09:50 9 Now, Qualcomm --

09:50 10 (Clarification by Reporter.)

09:50 11 MR. SCHEUFLER: So Qualcomm would suppose
09:50 12 that instead of a single core 210, single core 220,
09:51 13 230, and 240, these are in fact two cores and thus a
09:51 14 set of cores.

09:51 15 Perhaps an obviousness argument could
09:51 16 have been made there. It wasn't. It wasn't brought up
09:51 17 in Qualcomm's briefing so I don't have full support to
09:51 18 explain why that wouldn't have been obvious. But
09:51 19 that's only one possible explanation for what the
09:51 20 examiner or the applicant was thinking.

09:51 21 Another explanation is, well, what is the
09:51 22 set of processor cores? Well, it's all of the cores.
09:51 23 They're all receiving from one PLL, that being 260.

09:51 24 And so if we look at this, well, we can
09:51 25 find our first clock signal is input, that's 272.

09:51 1 There is no second clock signal that is input so
09:51 2 there's nothing for it to be independent of, so that
09:51 3 limitation is also not met.

09:51 4 Now, another alternative would be to
09:51 5 divide this in half. And set up the left-hand cores as
09:51 6 the first set of processor cores and the right-hand as
09:51 7 the second set of processor cores and then divide PLL
09:52 8 260 in half and have 260 sub A and 260 sub B so that
09:52 9 you would have a PLL for each of these sets.

09:52 10 But then what is the input clock signal?

09:52 11 Well, the input clock signal for both is
09:52 12 272. And one signal, a single signal is not
09:52 13 independent of itself. And so a single clock source
09:52 14 with a single clock signal, that doesn't give you a
09:52 15 first clock signal that is independent of the second
09:52 16 clock signal.

09:52 17 At the very least, there is no clear
09:52 18 disavowal here. And that's what's required for
09:52 19 disclaimer -- clear and unambiguous disclaimer. And
09:52 20 with three potential different obviousness arguments
09:52 21 applied to Kim and only one yields what Qualcomm would
09:52 22 like, I don't believe they can win the day on that.

09:52 23 THE COURT: Back to you, Mr. Zembek.

09:53 24 (Clarification by Reporter.)

09:53 25 MR. ZEMBEK: If you go back to Slide 10,

09:53 1 please, Mr. Green.

09:53 2 Your Honor, there are two different
09:53 3 arguments here. And each argument is tied to express
09:53 4 claim language. The first claim language is what
09:53 5 counsel just discussed. That is the sets of cores.

09:53 6 If we can go to the next slide,
09:53 7 Mr. Green.

09:53 8 The second argument is what we have
09:53 9 focused on. Again, it's tied directly to the claim
09:53 10 language that was added.

09:54 11 And what is said about this claim
09:54 12 language? It's different from what Kim has because Kim
09:54 13 has a single clock source.

09:54 14 Federal Circuit case law is clear. When
09:54 15 there are two different arguments that have been made,
09:54 16 each can give rise to disclaimer. The first argument
09:54 17 is to the concept of the cores and the grouping of the
09:54 18 cores. The second argument is with respect to the
09:54 19 first clock signal independent from the second clock
09:54 20 signal.

09:54 21 So you can't just wipe this argument out.
09:54 22 The question is not whether Kim or whether Jacobowitz
09:54 23 anticipated rendered obvious. What we're looking at
09:54 24 here, Your Honor, is the express arguments that were
09:54 25 added in the context of the claim language that was

09:54 1 added, and we believe that this is a very clear
09:54 2 disavowal of claim scope.

09:54 3 THE COURT: And is that your whole
09:54 4 argument? I mean, because I kind of moved over to
09:54 5 core. If there's anything else you wanted to argue,
09:55 6 I'm happy to hear that as well.

09:55 7 MR. ZEMBEK: Yeah. I would also like to
09:55 8 address plain and ordinary meaning, Your Honor.

09:55 9 THE COURT: Sure. Of course.

09:55 10 MR. ZEMBEK: If we can go forward to
09:55 11 Slide 13.

09:55 12 Your Honor, the third point that I
09:55 13 mentioned that I wanted to talk about, the way that I
09:55 14 phrased it was even if not disclaimed, which we think
09:55 15 it clearly has been, is a claim that encompasses two
09:55 16 different input signals each of which depends on the
09:55 17 same clock source consistent with the plain and
09:55 18 ordinary meaning of a first clock signal independent of
09:55 19 the second clock signal.

09:55 20 When you look at the -- that question
09:55 21 that we've put forward to you, whether when they share
09:55 22 the same reference, they go up and down as a function
09:55 23 of the same reference, we think it answers itself that
09:55 24 the plain and ordinary meaning would also be
09:55 25 inconsistent with the coverage of two different signals

09:55 1 sharing the same reference.

09:55 2 There was criticism of Dr. Villasenor's
09:56 3 cursory analysis. Well, they have to call it a cursory
09:56 4 analysis because they have no expert opinion of their
09:56 5 own. What Dr. Villasenor presented over ten different
09:56 6 pages is what one of ordinary skill would understand.

09:56 7 And of course, the Court can consult with
09:56 8 those extrinsic references because they confirm what
09:56 9 the plain and ordinary meaning is. And that plain and
09:56 10 ordinary meaning was repeatedly urged during the
09:56 11 prosecution history. With respect to Kim, there was --

09:56 12 THE COURT: Mr. Zembek, when -- and maybe
09:56 13 a difference about meaning. But every time so far I've
09:56 14 heard you make a plain and ordinary meaning argument,
09:56 15 eventually you have swerved into what they did during
09:56 16 file history and -- which I get completely in your
09:56 17 other argument and which I think is -- it might be
09:56 18 compelling.

09:57 19 But I haven't heard you yet stick with
09:57 20 plain and ordinary meaning where you haven't said,
09:57 21 okay. Look what they told the Patent Office. Or --
09:57 22 and so to me that -- it makes me less concerned with
09:57 23 the plain and ordinary meaning decision and tells me
09:57 24 maybe I need to just focus on your other argument.

09:57 25 Unless you have an argument that is

09:57 1 independent of what was done during the examination.

09:57 2 MR. ZEMBEK: What my argument would be
09:57 3 that is independent of what was done during examination
09:57 4 is going to be pointing the Court's attention to the
09:57 5 Personalized Media case.

6 THE COURT: Okay.

09:57 7 MR. ZEMBEK: Because the Personalized
09:57 8 Media case is a situation which we have here, there
09:57 9 were multiple statements. We believe that they went to
09:57 10 the level of disavowal. Obviously the other side
09:57 11 disagrees. But we think that did go to the level of
09:57 12 disavowal.

09:57 13 But they still informed the claim
09:58 14 construction. And those repeated statements,
09:58 15 consistent with what we view the plain and ordinary
09:58 16 meaning to be, what Dr. Villasenor explained the plain
09:58 17 and ordinary meaning to be, would mean that it's a
09:58 18 situation in which this particular claim construction
09:58 19 dispute would be different signals that do not depend
09:58 20 from the same reference clock.

09:58 21 I mean, we believe that that's the plain
09:58 22 and ordinary meaning and it's consistent with the
09:58 23 disclaimer.

09:58 24 So we think, Your Honor, we're putting
09:58 25 you in a position that you can do disclaimer and you

09:58 1 can do plain and ordinary meaning, so you've got two
09:58 2 different reasons why this construction should be
09:58 3 affirmed if we ever have to go to the Federal Circuit.

09:58 4 THE COURT: Got it. Okay. I'll be back
09:58 5 in a second.

09:58 6 (Pause in proceedings.)

10:00 7 THE COURT: I feel certain that your
10:00 8 summer clerks are all going to give you five stars on
10:00 9 Yelp when they -- when they're interviewed.

10:00 10 I will tell them, since they haven't
10:00 11 gotten to hear me say this, that -- even though all of
10:00 12 you have. The reason I like handling patent cases is
10:00 13 because the quality of the lawyers is always
10:00 14 exceptional in these hearings.

10:00 15 I'm going to maintain the preliminary
10:00 16 construction in the case on this one claim term.

10:00 17 Is there anything else that we need to
10:00 18 take up?

10:00 19 MR. ZEMBEK: Your Honor, with respect to
10:00 20 the preliminary construction, because we don't believe
10:00 21 that there's a dispute that the signals have to be
10:00 22 different, we would propose that that be added to the
10:00 23 preliminary construction.

10:00 24 THE COURT: And from plaintiff?

10:00 25 MR. SCHEUFLER: Well, Your Honor, we

10:00 1 don't disagree that the terms have to be different. We
10:01 2 believe that that's well captured by the plain meaning
10:01 3 of "independent" and to add it in would only invite
10:01 4 confusion. So we would oppose it on that ground.

10:01 5 THE COURT: Mr. Zembek, I'll do this for
10:01 6 you, because I understand why you would be more
10:01 7 comfortable with that.

10:01 8 If -- I don't think it needs to be added,
10:01 9 but if when -- Mr. Zembek, when you receive the
10:01 10 plaintiff's expert report, if you think that they are
10:01 11 not abiding by what you say would be an agreement in
10:01 12 terms of the way their infringement expert handles the
10:01 13 infringement opinion, come back and let us know, and
10:01 14 I'll decide whether or not it's something that I do
10:01 15 have to impose with respect to the claim term.

10:01 16 MR. ZEMBEK: Thank you, Your Honor.

10:01 17 I think that we do have an agreement that
10:01 18 the first and second input signals are different
10:01 19 signals. They're not the same signal.

10:01 20 THE COURT: That was the way I read it in
10:01 21 the claim. Yes.

10:01 22 MR. ZEMBEK: All right. Thank you, Your
10:01 23 Honor.

10:01 24 THE COURT: Anything else?

10:02 25 MR. SCHEUFLER: None from plaintiff, Your

10:02 1 Honor.

10:02 2 THE COURT: Okay. Thank you all for
10:02 3 being here and good luck to the summer associates.

10:02 4 Take care.

10:02 5 (Hearing adjourned.)

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1 UNITED STATES DISTRICT COURT)
2 WESTERN DISTRICT OF TEXAS)
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5 I, Kristie M. Davis, Official Court
6 Reporter for the United States District Court, Western
7 District of Texas, do certify that the foregoing is a
8 correct transcript from the record of proceedings in
9 the above-entitled matter.

10 I certify that the transcript fees and
11 format comply with those prescribed by the Court and
12 Judicial Conference of the United States.

13 Certified to by me this 13th day of June
14 2025.

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